

WEISS & JONES, L.L.P.  
Philip E. Weiss, Esq. (No. 152523)  
1551 Shelter Island Drive  
San Diego, California 92106  
Telephone: (619) 225-8884  
Facsimile: (619) 225-8801  
E-Mail: shiplaw@earthlink.net

Attorneys for Plaintiff  
SHELTER ISLAND YACHTWAYS, LTD.  
a California Limited Partnership,  
dba SHELTER ISLAND BOATYARD

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

SHELTER ISLAND YACHTWAYS, LTD., a  
California Limited Partnership, dba SHELTER  
ISLAND BOATYARD,

Plaintiff,

v.

M/Y SUNDANCE, Official No. 521498, A  
HATTARAS MOTORYACHT OF  
APPROXIMATELY 33 FEET IN LENGTH  
AND 12 FEET IN BEAM, AND ALL OF HER  
ENGINES, TACKLE, ACCESSORIES,  
EQUIPMENT, FURNISHINGS AND  
APPURTENANCES, *in rem*,

Defendant.

Case No. 07-CV 2015 DMS (WMc)

IN ADMIRALTY

DECLARATION OF BILL ROBERTS  
IN SUPPORT OF MOTION FOR  
ORDER FOR INTERLOCUTORY  
VESSEL SALE AND  
AUTHORIZATION TO CREDIT BID

F.R.C.P. Supplemental Admiralty  
Rule E(9); 46 U.S.C. Sections 30101-  
31343

SUBMITTED ON PAPERS  
(Oral Arguments Not Requested)

Judge: Hon. Dana M. Sabraw  
Courtroom: 10 - 2<sup>nd</sup> Floor  
Date: April 25, 2008  
Time: 1:30 p.m.

I, Bill Roberts, declare under penalty of perjury under the laws of the United States  
and the State of California as follows:

1. I serve as PLAINTIFF's General Partner. The below matters are within my  
personal knowledge, and I could and would competently testify under oath as to these  
matters, if called to do so.

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1           2.     On September 17, 2007 I discovered the DEFENDANT VESSEL had been  
2     apparently abandoned at my company's boatyard. In the usual course of business, I am aware  
3     of what vessels will be arriving at the boatyard, in advance of the arrival of such vessels. I  
4     was unfamiliar with the DEFENDANT VESSEL and confirmed with my staff that she was  
5     not scheduled for work. The DEFENDANT VESSEL's apparent owner, Wayne Oliver, was  
6     also unknown to me at the time the DEFENDANT VESSEL was deposited at my company's  
7     boatyard.

8           3.     Because the DEFENDANT VESSEL is documented with the United States  
9     Coast Guard, I was able to obtain certain information from Coast Guard records, including  
10    the name and address of her documented owner -- Mr. Wayne Oliver. I was eventually able  
11    to obtain a phone number for Mr. Oliver. When I contacted him by phone, he informed me  
12    that he had hired one of our tenants at the boatyard (Coleman Marine) to work on the  
13    DEFENDANT VESSEL's transom. I thereafter contacted John Coleman, who informed me  
14    that not only had he not agreed to do work on the DEFENDANT VESSEL, he specifically  
15    instructed Mr. Oliver that he was not to bring the vessel to my company's boatyard. Soon  
16    thereafter, I contacted our maritime attorney, and asked for his assistance in resolving the  
17    problem.

18          4.     According to her Coast Guard documentation records, the DEFENDANT  
19    VESSEL, a 34-foot sailboat, is now 40 years old. Although I have not personally surveyed  
20    this vessel or commissioned a survey, based on decades of experience owning boatyards, I  
21    believe the DEFENDANT VESSEL is in only fair condition, and that she is likely  
22    unseaworthy, in that she is not reasonably fit for her intended purpose.

23               Executed this 25 day of March, 2008 at San Diego, California.

24  
25                               *Bill Roberts*  
26                               Bill Roberts  
27                               General Partner  
28                               Shelter Island Yachtways, Ltd.